



**CITY OF LODI  
COUNCIL COMMUNICATION**

AGENDA TITLE: Denial ~~of~~ Verified Claim(s) against the City of Lodi

MEETING DATE: April 6, 2005

PREPARED BY: Risk Management

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RECOMMENDED ACTION: To approve by motion action, denial of the following verified Claim filed against the City of Lodi.

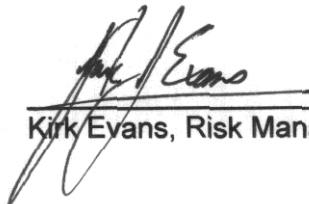
(A) Augustine Dias

DOL: August 28, 2004

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, The City's contract administrator, DB Claims and Human Resources Staff, recommend the City deny the subject claim(s).

FISCAL IMPACT: N/A

FUNDING AVAILABLE: None Required

  
Kirk Evans, Risk Manager

**Attachments**

cc: City Attorney  
DB Claims

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APPROVED:   
Blair King, City Manager

CITY COUNCIL

JOHN BECKMAN, Mayor  
SUSAN HITCHCOCK  
Mayor Pro Tempore  
LARRY HANSEN  
JOANNE MOUNCE  
BOB JOHNSON

CITY OF LODI

CITY HALL  
221 WEST PINE STREET, P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910

HUMAN RESOURCES: (209) 333-6704  
FAX (209) 333-6816

BLAIR KING

City Manager

SUSAN J. BLACKSTON

City Clerk

STEPHEN SCHWABAUER

City Attorney

Notice of Claim Rejection

April 7, 2005

Bob Christison  
c/o David Allen & Associates  
7400 Shoreline Drive, Suite 1  
Stockton, CA 95219

RE: Claim against the City of Lodi  
Claimant: Augustine Dias  
Date of Loss: August 28, 2004  
Our Claim Number: 97105

Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on March 2, 2005 was rejected as of the date of this letter,

Notice

Subject to certain exemptions, you have only six (6) months ~~from the date~~ that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the ~~Tort~~ Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to §128.7 and §1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,



Susan Blackston

City Clerk

cc: City Attorney  
DB Claim  
Risk Management  
City Clerk